

**DRAFT**  
**BOARD OF COUNSELING**  
**QUARTERLY BOARD MEETING**  
**November 18, 2011**

**TIME & PLACE:** The meeting was called to order at 9:17 a.m. on Friday, November 18, 2011, in Board Room 2 at the Department of Health Professions, 9960 Mayland Drive, Henrico, Virginia.

**PRESIDING:** John Penn Turner, Chair

**MEMBERS PRESENT:** Johnston Brendel, Ed.D.  
Donnie Conner, Ph.D.  
Michael Fletcher  
Sandra Malawer  
Charlotte Markva  
Charles McAdams, III, Ed.D.  
Patricia Mullen  
William Scott, Ph.D.  
Linda Seeman, Ph.D.  
Catherine Shwaery  
John Penn Turner.

**MEMBERS ABSENT:** Zena Bowen  
Terry Tinsley, Ph.D.

**STAFF PRESENT:** Evelyn B. Brown, Executive Director  
Howard Casway, Senior Assistant Attorney General  
Catherine Chappell, Deputy Executive Director-Licensing  
Jennifer Lang, Administrative Assistant  
Patricia Larimer, Deputy Executive Director-Discipline  
Arne Owens, DHP Chief Deputy Director  
Dianne Reynolds-Cane, DHP Director  
Laura Rothrock, Administrative Assistant  
Elaine Yeatts, DHP Senior Policy Analyst

**DIRECTOR'S WELCOME:** Dr. Reynolds-Cane welcomed counseling students from the College of William and Mary and Virginia Commonwealth University in attendance at the meeting.

**BOARD MEMBER RECOGNITION:** Mr. Turner recognized former board member Mary Lou Argow and presented a plaque to her for her eight (8) years of service on the Board of Counseling. He also announced that Terry Tinsley had been appointed to the Board of Counseling but was unable to attend the meeting.

**ORDERING OF  
AGENDA:**

The agenda was accepted as amended, to include the presentation of a Consent Order and Board Counsel report. The presentation by Dr. Palumbo was postponed to a later meeting.

**APPROVAL OF  
MINUTES:**

A motion was made by Johnston Brendel to approve the minutes of the May 6, 2011 board meeting. The motion was seconded by Donnie Conner and passed unanimously.

**PUBLIC COMMENTS:**

None.

**COMMITTEE  
ASSIGNMENTS:**

Mr. Turner asked board members to consider serving on standing committees and asked each committee chair to provide an overview of their committee's duties:

- Dr. Conner stated that the Discipline Committee considers complaints lodged against practitioners.
- Dr. Brendel commented that the Credentials Committee reviews non-routine applications for licensure.
- Dr. McAdams added that the Regulatory Committee monitors regulations and makes recommendations for changes.

**EXECUTIVE  
DIRECTOR'S REPORT:**

Ms. Brown presented results from the online survey at renewal, which was offered in an effort to project needs for mental health services in the future.

Two Board seats remain open. One member resigned two years ago, although he technically still serves until replaced. One member has been residing in Germany for the past year. The Secretary of the Commonwealth's office has been informed that additional members are needed to fill the positions. The Board's fourteen (14) member board currently has twelve (12) serving members affects the required number of members for a quorum.

**DEPUTY EXECUTIVE  
DIRECTOR'S REPORT  
– LICENSING**

Community Services Board Meeting Report. Ms. Chappell reported that the Agency had been contacted by the Virginia Association of Community Service Boards (VACSB) regarding the time frame necessary to approve requests for supervision and applications for licensure. A meeting was held to discuss mutual concerns on Medicaid requirements in setting the level of individuals qualified to provide mental

health services, which impacted both the CSB's and the Board of Counseling. The group discussed that the purpose of the residency is to ensure that applicants are sufficiently trained in order to practice clinical counseling on an autonomous level once licensed. Discussion continued regarding the varied scope of duties of applicants and the need for applicants to obtain experience in assessments, diagnosis, and counseling. Staff acknowledged that the time needed to review applications was often lengthy because many applications were received incomplete (often unsigned and lack sufficient documentation of education and inadequate information on clinical duties), which delays the process. As a result of the meeting, a task force was formed with CSB employees throughout the State in order to develop in-house guidance to assist residents and their supervisors with the registration process.

DBHDS Outreach. Ms. Chappell reported that she spoke recently with Dr. Les Saltzberg, licensing director of DBHDS, who shared the Board's concerns on appropriate level of licensure of individuals providing mental health services to the vulnerable citizens of the Commonwealth of Virginia.

Application Processing and Backlog. Ms. Chappell reported that staff continues to work through the high volume of applications resulting from changes in Medicaid's requirements for appropriate level of mental health provider. She stated that staff works diligently and consistently to review each file and that all coursework and clinical job duties are considered by the contracted credentials reviewers in order of receipt. Additional contract administrative staff has been employed to help with the backlog of files.

Conflict of Interest Filings. Board members must complete the Conflict of Interest filings and submit them to the Board by the end of December.

License Count Report. There are currently 6,580 licensees under the Board of Counseling. In the past year, 305 new licenses were granted, including 197 LPC licenses. The Board received 1,147 applications for registration of supervisors in the past year. Of those applications, 980 were LPC registrations, representing a 30% increase from the previous year. 471 applications for licenses were received, of which 314 were for LPC. On average, staff

receives 400 calls and emails per week, and 30-40 applications per week.

Proposed Meeting Dates for 2012. Meeting dates for 2012 were proposed for February 17, May 18, August 17, and November 16. Committee meetings would be scheduled for the day before. The Board agreed to the meeting schedule for the coming year.

Paperless Licensing. The Agency proposed paperless licensing in an effort to reduce costs and for prevention of fraud during renewal time. The paperless licensure issue is still under discussion; however, the website offers primary source verification of licensure through the License Lookup option.

**DISCIPLINE DEPUTY  
EXECUTIVE  
DIRECTOR'S REPORT:**

Ms. Larimer reported that two formal hearings were held following the May Board meeting: Jose Avila, LPC, in which the Board voted to reinstate Mr. Avila's license with probation; and James Jacobs, in which the Board voted to deny Mr. Jacob's request for reinstatement. Mr. Jacobs has appealed to the Circuit Court.

With respect to Michael Burnett, CRP, a telephone conference call was held and the Board voted to summarily suspend Mr. Burnett's certificate. The formal hearing previously scheduled following the meeting had been canceled because Mr. Burnett signed a Consent Order which revoked his certificate to practice as a rehabilitation provider.

One formal hearing would be held following the meeting. There were presently 14 cases in Enforcement, with 23 cases to review for probable cause, 2 formals scheduled for December 16, 2011, and 1 case to be considered following the meeting.

Ms. Larimer reported that she meets weekly with a case intake analyst from Enforcement.

**E-COUNSELING  
PRESENTATION:**

John Karabaic provided an overview to the Board on e-counseling, including problems, privacy concerns, and benefits.

**BOARD COUNSEL  
REPORTS:**

Howard Casway reported that there are currently three (3) appeals pending in Circuit Court:

- Verniecia Bell appealed her denial of supervision registration to the Prince William Circuit Court.
- Sylvester Britt appealed the decision to revoke his certification as a CRP and has a case pending in Portsmouth Circuit Court.
- James Jacobs appealed his denial for reinstatement of his MFT license and has a case pending in Chesterfield Circuit Court.

**COMMITTEE  
REPORTS:**

Credentials Committee. Dr. Brendel reported that the Credentials Committee met on Thursday, August 18, 2011 and Thursday, November 17, 2011 and reviewed 32 applications with respect to degree requirements, coursework, supervision and a conviction. The Committee approved seven (7) applications, denied 13 of the applications, deferred nine (9) applications pending additional information, denied two (2) requests to waive requirements and requested more supervision hours for one (1) applicant.

Dr. Brendel also reported that the Committee discussed the length of time necessary to process files and that problematic files require additional processing time. In addition, all applicants must have a conferral date of the degree posted on the official transcript. He announced that the Committee plans to meet in early February to discuss trends and issues in the Board's credentialing process and then again on February 16, 2012 for file review.

Regulatory Committee. Dr. McAdams reported that the Regulatory Committee had met consistently for the past year and had performed periodic review on the *Regulations Governing the Practice of Professional Counseling*. Ms. Yeatts reported that the NOIRA had been developed for LPC regulations, and that public comment had been received. The proposed changes to regulations were discussed and Dr. Scott requested that the regulations include a provision that individuals who completed more than 600 hours of internship prior to the effective date of the regulations be allowed to count up to an additional 300 hours, as applicable, from the internship towards the residency. A motion was made by Dr. Brendel to accept the proposed

regulations, as amended, and was seconded by Dr. Seeman. The vote was unanimous to accept the proposed regulations.

Dr. McAdams advised that the Regulatory Committee will begin the review of the *Regulations Governing the Practice of Marriage and Family Therapists* at the next committee meeting.

Board of Health Professions. Ms. Markva reported that she attended an orientation meeting for the Board of Health Professions and announced that there were currently five (5) open positions on the Board.

**NEW BUSINESS:**

Educational Summit. The Board discussed the need to schedule an educational summit to discuss several topics such as distance counseling, licensure portability, graduate programs, and clarifying counselor identity concerns.

Executive Director Statement. Ms. Brown announced her pending retirement and was honored for her tenure as the Executive Director of the Behavioral Science Boards. She reflected on her history with the Board and how the counseling profession has evolved through the years. She again expressed her concerns about the backlog and echoed staff concerns.

**OLD BUSINESS:**

None.

**CLOSED SESSION:**

Recommended Decisions from Credentials Informal Conferences and Consent Order. Ms. Markva moved that the Board of Counseling convene in closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendations from the Credentials IFC Committee and to consider a Consent Order. She further moved that Howard Casway, Evelyn Brown, Patricia Larimer, Catherine Chappell, and Jennifer Lang attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the board in its consideration of the matter. The motion was seconded and carried.

**RECONVENE:**

Ms. Malawer moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered

only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Committee agreed unanimously.

Tiffani O'Neal: The IFC Credentials Committee concluded that Tiffani O'Neal, LPC applicant, failed to satisfy the requirements of 18VAC 115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Brendel made a motion to accept the recommendation as presented. Ms. Markva seconded the motion. The motion passed unanimously.

Lori Neale: The IFC Credentials Committee concluded that Lori Neale, LPC applicant, failed to satisfy the requirements of 18VAC 115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Brendel made a motion to accept the recommendation as presented. Dr. Conner seconded the motion. The motion passed unanimously.

Kimberly Royster-Bennett: The IFC Credentials Committee concluded that Kimberly Royster-Bennett, LPC applicant, failed to satisfy the requirements of 18VAC 115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Conner made a motion to accept the recommendation as presented. Dr. Brendel seconded the motion. The motion passed unanimously.

Rasheda Britt: The IFC Credentials Committee concluded that Rasheda Britt, LPC applicant, failed to satisfy the requirements of 18VAC 115-20-49(B) and recommended that her application to register her supervision as a preliminary requirement in the process of obtaining licensure by examination be denied. Dr. Conner made a motion to accept the recommendation as presented. Ms. Mullen seconded the motion. The motion passed unanimously.

Beth Waters, LPC: The Board considered a Consent Order accepting the voluntary surrender for indefinite suspension of Ms. Water's right to renew her license to practice as a

professional counselor. Dr. Brendel made a motion to accept the Consent Order as presented. Dr. Seeman seconded the motion. The motion passed unanimously.

**ADJOURN:**

The meeting adjourned at 12:30 p.m.

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John Penn Turner, Chair

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Evelyn B. Brown, Executive Director